

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ALAN BONAZZA,

Plaintiff,

v.

MUFG UNION BANK, et al.,

Defendants.

Case No. 23-cv-01161-JCS

ORDER STRIKING DKT. NO. 73

Re: Dkt. No. 73

In light of Plaintiff's repeated filing of unauthorized documents in this case, the Court has ordered that any document Plaintiff files must cite to one of the following sources of authority permitting the filing: 1) a rule of the Federal Rules of Civil Procedure (e.g., Rule 12(b)(6), Rule 56); 2) a rule of the Northern District of California's Civil Local Rules (e.g. Civil Local Rule 7, setting deadlines for motions and responsive briefs); or 3) an Order of this Court (e.g. a case management order, such as docket no. 35, requiring that the parties file a case management statement). *See* dkt. no. 66. Docket no. 73, entitled "Motion to Depose[.]" does not cite any rule or Court order that authorizes it. Furthermore, the document violates the Federal Rules of Civil Procedure and the Local Rules of this Court in several respects.

First, it does not appear that the parties have held a Rule 26(f) conference (which opens discovery under Rule 26(d) of the Federal Rules of Civil Procedure). Therefore, discovery has not yet opened in this case.

Second, if the Motion to Depose is an attempt to propound discovery on Defendant, it should be served on the opposing party and not on the Court. Discovery is exchanged between the parties and not filed with the Court. *Lee v. Knox*, No. 18-CV-03689-HSG, 2022 WL 1131722, at *1 n. 1 (N.D. Cal. Apr. 12, 2022) (citing Fed. R. Civ. P. 5(d)(1)); *see also* Fed. R. Civ. P.

1 5(d)(1)(a) (“[D]isclosures under Rule 26(a)(1) or (2) and the following discovery requests and
2 responses must not be filed until they are used in the proceeding or the court orders filing:
3 depositions, interrogatories, requests for documents or tangible things or to permit entry onto land,
4 and requests for admission.”).

5 Third, to the extent that the motion relates to a discovery dispute, under this Court’s rules,
6 “The Court will not entertain a request or a motion to resolve a disclosure or discovery dispute
7 unless, pursuant to Fed. R. Civ. P. 37, counsel have previously conferred for the purpose of
8 attempting to resolve all disputed issues.” Civ. L.R. 37-1(a). There is no indication that any
9 attempt to resolve the dispute without Court intervention has been made.

10 **Accordingly, docket no. 73 is STRICKEN.**

11 **IT IS SO ORDERED.**

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13 Dated: July 18, 2023

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15 JOSEPH C. SPERO
16 United States Magistrate Judge
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